

Appl. No. : 09/231,415
Filed : January 14, 1999

REMARKS

Claims 26-41 and 77-99 are pending in this application. Claims 1-25 and 42-76 were previously cancelled without prejudice or disclaimer. The Examiner rejected Claims 83 and 84 under 35 U.S.C. § 112, ¶ 2, as being indefinite. The Examiner objected to Claim 91 because it contained a spelling error. The Examiner objected to the Abstract of the Disclosure because the phrase "a purchase requests" should read "a purchase request." The Examiner rejected Claims 26-41, 77-83, 87, 91-95, and 97 as being obvious in view of United States Patent No. 5,794,207 to Walker and United States Patent No. 5,671,279 to Elgamal. The Examiner rejected Claims 84-86, 88-90, 96, 98, and 99 as being obvious in view of Walker and United States Patent No. 5,940,807 to Purcell.

The Applicants have herein amended Claims 26, 34, 78, 80-84, 86-89, 91, and 92. Additionally, the Applicants herein respond to each of the Examiner's rejections and objections.

Rejection of Claims 83 and 84 Under 35 U.S.C. § 112, 112, ¶ 2

Applicants have amended Claims 83 and 84 to clarify the meaning of these claims. Applicants respectfully submit that amended Claims 83 and 84 meet the requirements of 35 U.S.C. § 112 and respectfully request that the rejection be withdrawn.

Additionally, the Examiner asked Applicants to point out in the specification the "purchase request management module." With regard to most claims that include a "purchase request management module," Applicants have amended the claims to substitute a "dealer access module" in place of a "purchase request management module." A dealer access module, according to one embodiment, is described beginning on page 28 of the specification. A purchase request management module, according to one embodiment, is also described beginning on page 28 of the specification.

Objection to Claim 91

Applicants have amended Claim 91 to correct the spelling error identified by the Examiner. Applicants have further amended Claim 92 to correct a similar spelling error. Applicants respectfully request that the objection be withdrawn.

Appl. No. : 09/231,415
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Objection to the Abstract of the Disclosure

Applicants have amended the Abstract of the Disclosure to correct the problem identified by the Examiner. Applicants respectfully request that the objection be withdrawn.

Rejection of Claims 26-33, 77-83, 87, 94, and 97 Under 35 U.S.C. § 103

The Examiner rejected Claims 26-33, 77-83, 87, 94, and 97 under 35 U.S.C. § 103 as being obvious in view of Walker and Elgamal. The Examiner conceded that “Walker failed to teach, a purchase request management module that permits each dealer to access and manage only the set of purchase requests associated with the dealer.” The Examiner asserted that Elgamal teaches this limitation.

Applicants respectfully submit that the Examiner has not established a *prima facie* showing that Walker and Elgamal render these claims obvious. In particular, nothing within Walker or Elgamal suggests or provides motivation to combine these references. Walker teaches a system that allows “buyers of goods or services to communicate a binding purchase offer *globally* to potential sellers.” Walker, Abstract (emphasis added). The system “makes purchase offers available *globally* to potential sellers.” Walker, Abstract (emphasis added). The system categorizes the purchase offers (often called CPOs, or conditional purchase offers) by subject area and allows sellers to “elect to receive all CPOs 100, only those CPOs in their subject area, or a subset of CPOs 100 representing a particular condition” Walker, Col. 18: 28-31.

Accordingly, an important feature of Walker is that buyers can communicate a purchase offer to as many sellers as possible. Presumably, sending a purchase offer to a large number of sellers spurs competition among sellers and allows the buyer to obtain a better price than would be available without such competition. Elgamal, on the other hand, provides a payment protocol in which a customer communicates a purchase request message to only one merchant. Elgamal, Fig. 1. As such, there appears to be no suggestion at all to combine Elgamal with Walker, particularly in view of the fact that the Walker system’s chief advantage is spurring price competition to benefit buyers, while Elgamal simply sends a buyer’s purchase request message to the seller/merchant designated by the buyer. Therefore, if Elgamal were combined with Walker, it would destroy the functionality of Walker. Thus, rather than being motivated to combine Walker and Elgamal, a person of ordinary skill in the art would resist such a disadvantageous combination.

Appl. No. : 09/231,415
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Despite believing that Claims 26-33, 77-83, 87, 94, and 97 are patentable over Walker and Elgamal without amendment, in order to expedite their allowance, Applicants have amended these claims to add the limitation “a buyer-dealer association module configured to assign a purchase request received from a potential buyer to one or more dealers.” Applicants respectfully submit that neither Walker nor Elgamal nor any combination of the two references teaches the foregoing added limitation. Accordingly, Applicants respectfully request the allowance of Claims 26-33, 77-83, 87, 94, and 97. Applicants reserve the right to present claims without the added limitation in a continuation or divisional application.

Rejection of Claims 34-41 and 91-93 Under 35 U.S.C. § 103

The Examiner rejected Claims 34-41 and 91-93 under 35 U.S.C. § 103 as being obvious in view of Walker and Elgamal. For reasons similar to those expressed with regard to Claims 26-33, 77-83, 87, 94, and 97, Applicants respectfully submit that Claims 34-41 and 91-93 are patentable over Walker and Elgamal. For example, just as Walker and Elgamal cannot properly be combined to meet the limitation “a purchase request management module that permits each dealer to access and manage only the set of purchase requests associated with the dealer,” Walker and Elgamal cannot properly be combined to meet the limitation “wherein said listing means, said displaying means, and said acting means permit each dealer to access and manage only the set of purchase requests associated with the dealer.” Furthermore, neither Walker nor Elgamal nor any combination of the two references teaches the added limitation “means for assigning a purchase request received from a potential buyer to one or more dealers such that, for each dealer to which the purchase request is assigned, the assigned purchase request belongs to a set of purchase requests associated with the assigned dealer.” Accordingly, Applicants respectfully request the allowance of Claims 34-41. Applicants reserve the right to present claims without the added limitation in a continuation or divisional application.

Rejection of Claims 84-86, 88-90, 96, 98, and 99 Under 35 U.S.C. § 103

The Examiner rejected Claims 84-86, 88-90, 96, 98, and 99 under 35 U.S.C. § 103 as being obvious in view of Walker and Purcell. Applicants previously argued, in a response dated April 27, 2004, that Walker and Purcell cannot properly be combined to render these claims obvious because (1) the combined references do not teach or suggest all of the claim limitations

Appl. No. : 09/231,415
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and (2) the prior art provides no motivation or suggestion for combining the references. Applicants still respectfully submit that the Examiner has improperly combined Walker and Purcell for the reasons stated in Applicants' April 27, 2004 response. Nevertheless, in order to expedite allowance of the pending claims, Applicants have also added an additional limitation, not found in Walker, Purcell, or any combination of the two references: "a buyer-dealer association module configured to assign a purchase request received from a potential buyer to one or more dealers." Accordingly, Applicants respectfully request the allowance of Claims 84-86, 88-90, 96, 98, and 99. Applicants reserve the right to present claims that do not have the added limitation in a continuation or divisional application.

Conclusion

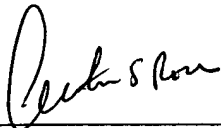
The Applicants respectfully submit that they have sufficiently overcome every rejection and objection to the pending claims. As such, the Applicants believe that Claims 26-41 and 77-99 are allowable and respectfully request their allowance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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